

BILL ANALYSIS

Senate Research Center
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S.B. 467
By: Lucio
Intergovernmental Relations
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

During the 84th Legislative Interim, the Senate Committee on Intergovernmental Relations studied the process used by home rule municipalities to adopt ordinances, rules, and regulations and to determine if additional statutory safeguards were necessary to ensure that ballot language accurately describes proposed initiatives.

Home rule municipalities have discretion in drafting the language of most propositions that appear on a ballot. Historically, a city's charter and common law guided the drafting of propositions.

In *Dacus v. Parker* (Tex. 2015), the Texas Supreme Court stated that a proposition "must substantially submit [...] the question with definiteness and certainty" and that the ballot "must identify the measure by its chief features, showing its character and purpose."

S.B. 467 ensures transparency and uniformity in government by codifying the Texas Supreme Court's "chief features" test as it relates to ballot propositions.

In addition, S.B. 467 applies only to an election ordered on or after September 1, 2017.

As proposed, S.B. 467 amends current law relating to a requirement for ballot propositions.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 52.072, Election Code, by adding Subsection (f), to require a proposition to substantially submit the question with such definiteness and certainty in identifying the proposition's chief features that the voters are not misled.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2017.